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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,439

02/19/2004

Andre Georges Cook

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5644

27280

7590

10/31/2007

THE GOODYEAR TIRE & RUBBER COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT 823  
1144 EAST MARKET STREET  
AKRON, OH 44316-0001

EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/782,439

Applicant(s)

COOK ET AL.

Examiner

Jeff H. Aftergut

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Burnham (US 5,792,401) for the same reasons as expressed in paragraph 2 of the Office action dated 9-7-06, optionally further taken with U.K. 2,009,362 .

The admitted prior art is discussed previously. It should be noted that even without presenting the claim in Jepson format, the known process for forming the reinforced hose assembly as admitted by applicant included the winding of at least one layer of hose material onto a rotating mandrel to form a length of hose material, winding a reinforcing rod atop the layer of hose material disposed on the mandrel and curing the layer of hose material. The difference between the admitted prior art and the claimed invention was the inclusion of the creation of a non-adhesive portion over selected locations of the length of the hose material whereby the reinforcing rod was prevented from adhering to the hose layer after being disposed thereon.

Burnham suggested that it was known at the time the invention was made to make a tubular product on a mandrel wherein one applied material upon the mandrel followed by application of helical reinforcement to the mandrel wherein one performed a step of modifying a portion of the tube in length M via application of a curing material for the curable resin (for example) which made up the core tube which was having the reinforcement 63 applied thereto. It should be noted that the curing agent was applied

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prior to the introduction of the reinforcement onto the tube whereby the tubular structure was hardened so that the reinforcement (in this case a wire) was not embedded within the tube but rather remained upon the surface of the same. Additionally, the tube was advanced past the winding device without rotation of the winding device whereby the wire was applied along the axis of the tube generally axially thereon. The reference to Burnham also suggested that such an application (in the axial direction without rotation of the winding device) would have resulted in a reduction in the tension of the wire as it was applied axially of the tube. The reference to Burnham suggested that those skilled in the art would have severed the exposed reinforcing wire after tube formation in order to provide the tube with a tip portion which was unreinforced, see column 12, lines 1-14. The applicant is additionally referred to column 11, lines 40-67 for a description of the application of the reinforcement to the tube wherein one applied the curing material to the curable resin of the tube prior to the application of the reinforcement thereon. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the techniques of Burnham to provide a region of reinforcement which was not integral with the finished assembly and which was easily removed from the tube as it was not embedded within the tubular body during manufacture by pretreating the surface of the tube to prevent such embedding when making a hose and/or tubular body made in accordance with the wrapping techniques of the admitted prior art.

The reference to Burnham did not expressly state that one skilled in the art would have performed the removal of the reinforcement upon a hose end to make a cuffed hose. Those skilled in the art in light of U.K. 2,009,362 would have understood that it

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would have been desirous in the hose manufacture to provide cuffed regions in the hose and that the elimination of the reinforcement in the cuffed regions would have facilitated the formation of such a cuffed hose. Clearly, while Burnham was not directed to a hose for gasoline (a catheter), it would have been understood in the art of hoses which dispensed gasoline that one skilled in the art would have provided the end of the hose with a region which lacked reinforcement therein and the use of the techniques of Burnham would have been applicable in such manufacture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the techniques of Burnham in order to make a hose which was suitable as a cuffed hose wherein the reinforcement at the end of the hose was removed as suggested by U.K. 2,009,362 in the art of making the hose which was commonly known as suggested by applicant's admitted prior art.

With respect to claim 15, note that one skilled in the art would have known to apply non-adhesive material in the regions where one did not desire adhesion. In the regions where non-adhesion of the reinforcement was provided, one removed the material in Burnham (and as suggested by UK 2,009,362 such would have been desirous in a hose) as the curing in these regions resulted in the removal of the curing agent subsequent to the curing of the hose. Regarding claim 17, note that cutting of the hose in the non-adhesive portions was suggested by Burnham in order to provide the tip which was unreinforced. Additionally, Burnham suggested that the unreinforced regions were at the ends of the hose and thus one would have desired to provide the same at the ends of the hose. Regarding claim 18 and 19, the reference to Burnham suggested

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the same. Regarding claim 20, note that those skilled in the art would have applied the non-adhesive regions prior to application of the reinforcing material in Burnham and practicing the known process (where the reinforcing rod was applied to the mandrel in a batch operation, one skilled in the art would have understood that the non-adhesive material would have been applied prior to the application of the same via winding.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 14-20 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Burnham, the reference clearly taught that those skilled in the art would have applied a non-adhesive material to the hose in order to prevent adhesive (i.e. a curing agent was applied in order to cure in those areas where the hose was not to have the reinforcement embedded therein). Clearly, this is taught by the reference. The reference is relevant to the manufacture of a hose as noted above and the techniques therein would have been applied to the manufacture of a hose in order to provide one with a cuffed hose assembly. Regarding the removal of the non-adhesive material, the curing of the hose after application of the curing agent clearly removed the curing agent from the hose (as it modified the curing agent to react the with hose material to cure the same) thereby removing of the non-adhesive material was suggested by the reference.

Note regarding new claim 20, that one viewing Burnham would have understood that the non-adhesion material must have been applied prior to the winding of the reinforcement at least in the regions where adhesion wasn't desired as such was

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necessary to prevent adhesion. Practicing the process of the admitted prior art, such would have been performed prior to winding the reinforcing rod on the mandrel to attain the hose as desired with the non-reinforced regions therein.

No claims are allowed.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

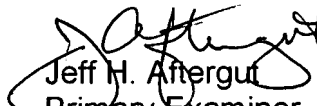
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1791

JHA  
October 29, 2007